

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV1888 JCH
)	
ALAN HARVEY,)	
)	
Defendant,)	

MEMORANDUM AND ORDER

Defendant was charged with tampering in St. Louis City. Missouri v. Harvey, No. 13SL-CR10736. He purports to remove the action to this Court under 28 U.S.C. § 1443(1). The removal is frivolous, and defendant has failed to adequately prosecute this action.

On December 17, 2014, the Court ordered defendant to either pay the filing fee or submit a motion for leave to proceed in forma pauperis. The Court also ordered defendant to comply with the removal statute. He has not complied with the Order. As a result, this action is dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

Additionally, 28 U.S.C. § 1443(1) applies only to cases involving racial inequality and plaintiff has made no such showing. See Georgia v. Rachel, 384 U.S. 780, 800 (1966) (“Removal is warranted only if it can be predicted by reference to a law of general application that the defendant will be denied or cannot enforce the specified federal rights in the state courts.”); Neal v. Wilson, 112 F.3d 351, 355 (8th Cir.1997) (to remove under § 1443 defendant must rely on law providing for equal civil rights stated in terms of racial equality). Therefore, the removal is frivolous.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to remove and dismiss [ECF No. 5] is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**.

Dated this 22nd day of January, 2015.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE